IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7415 OF 2005

The State of Maharashtra .. Applicant.
Vs.
Hiraman Pandurang Shivale
and Anr. .. Respondents.

Mrs.M.H.Mhatre A.P.P. for the applicant.

CORAM : D.B.BHOSALE, J.

DATED : 7th JUNE, 2006

P.C.:

. Heard learned A.P.P. for the applicant.

2. This is an application seeking leave to file appeal under section 378(3) of the Code of Criminal Procedure. The respondent-accused was charged and tried for the offence punishable under section 39(2) of the Standards of Weights and Measurement and Enforcement Act, 1985 on the allegations that he supplied less quantity of kerosene to the customer by 6 ltrs. and 300 ml. The trial Court after considering the evidence of two witnesses examined by the prosecution to bring home the guilt of the accused in paragraph 4 of the judgment held that their evidence is not sufficient to establish the charge against the respondent-accused. Considering the reasons recorded by the court below on appreciation of the evidence on record, the findings recorded by it

cannot be said to be unreasonable and perverse. The view taken by the trial Court is a reasonably possible view. The approach of the lower Court in consideration of the evidence in the case is not vitiated by manifest illegality. I find absolutely no reason to grant leave to file appeal against the impugned judgment of the acquittal. The application is, accordingly, rejected.

(D.B.Bhosale, J.)